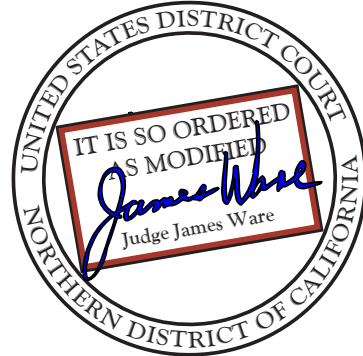


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GRANITE ROCK COMPANY,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, FREIGHT,
CONSTRUCTION, GENERAL
DRIVERS, WAREHOUSEMAN AND
HELPERS, LOCAL 287 (AFL-CIO), and
DOES 1 through 20, inclusive,

Defendants.

Case No. C 04 2767 JW

**STIPULATED REQUEST AND
(PROPOSED) ORDER TO CONTINUE
DATES ESTABLISHED BY THE
COURT'S SEPTEMBER 21, 2005 ORDER
FOLLOWING CASE MANAGEMENT
CONFERENCE**

**[U.S.D.C. N.D. L.R. 6-1(b), 6-2(a), 7-1(a)(5),
7-12 & 40-1]**

1 On September 19, 2005, the parties appeared before the Court for a case management
2 conference. Prior to this conference, a stay on all discovery in the matter was in effect. Each party
3 had only taken minimal discovery prior to the stay on discovery. (Levins Decl. ¶ 2.) The parties
4 agreed to the pre-trial deadlines and trial date set by the Court in its September 21, 2005 order in
5 good faith based upon the information they had available to them at the time. (Levins Decl. ¶ 3.)
6 The Honorable James Ware told the parties that they should inform the Court if they were having
7 trouble meeting the deadlines. (Levins Decl. ¶ 3; Beeson Decl. ¶ 3.)

8 Subsequent to the case management conference, the parties have completed initial
9 disclosures and discovered that the action involves many more witnesses than either party originally
10 realized. (Levins Decl. ¶ 5; Beeson Decl. ¶ 5.) Plaintiff Granite Rock disclosed twenty potential
11 witnesses in its initial disclosure statement and Defendant Teamsters Local 287 disclosed twenty-
12 five potential witnesses. Due to the previous stay on discovery, only one of these potential witnesses
13 has been deposed with regard to Plaintiff's claims under section 301. (Levins Decl. ¶ 2; Beeson
14 Decl. ¶ 5.) Scheduling depositions during this time period is difficult due to the upcoming holidays;
15 numerous witnesses will be out of town and unavailable at various times during the months of
16 November and December. (Levins Decl. ¶ 6; Beeson Decl. ¶ 5.) Additionally, neither party has had
17 sufficient time to fully utilize the other discovery methods permitted by the federal rules.

18 The parties also need sufficient time to retain expert witnesses and allow the experts
19 to gain sufficient familiarity with the facts of the case to testify competently. (Levins Decl. ¶ 9;
20 Beeson Decl. ¶ 4.)

21 Furthermore, counsel for both parties have numerous other professional and personal
22 commitments that simply do not allow them to devote all of their time to discovery for this action, as
23 would be required to meet the December 24, 2005 discovery deadline. (See Levins Decl. ¶ 7, 8.)
24 Three months is simply not enough time in which to complete discovery for a case of this
25 magnitude.

26 After discovering the full impact of the time constraints present in this case, counsel
27 for both parties met and conferred and agreed that it would be in the best interests of both parties to
28 continue the deadline to complete discovery. Given additional time, the parties will likely be able to

reach a greater number of stipulations regarding relevant facts, such as the time and dates of picketing; these stipulations could simplify the issues and correspondingly reduce the length of the trial. (Levins Decl. ¶ 10; Beeson Decl. ¶ 4.) The parties, through their respective counsel, agreed that all other deadlines for this action should be similarly continued. (See Levins Decl. ¶ 11; Beeson Decl. ¶ 7.)

Accordingly, the parties HEREBY STIPULATE, AND REQUEST THE COURT TO ORDER, that the dates established by the Court's September 21, 2005 Order Following Case Management Conference shall be changed to the following:

A. Discovery and Pre-trial Motions

1. All discovery must be completed no later than March 10, 2006.
2. If the trial date is continued, the parties shall complete F.R.C.P. 26(a)(2) expert witness disclosures ninety (90) days before trial rather than on the previously stipulated date of November 10, 2005.
3. Each party may take more than ten (10) depositions.
4. The parties shall notice any motion for summary judgment for hearing no later than February 6, 2006, 9:00 a.m.

B. Meet and Confer Requirement

1. On or before March 10, 2006, the parties shall meet and confer with respect to the Joint Pretrial Conference Statement, submission of a joint list of witnesses, a joint list of trial exhibits and a joint list of discovery material which each party intends to offer in evidence as a part of its case-in-chief.

C. Objections and Lodging Disputed Material with the Court

1. If a party objects to receipt into evidence of a witness, exhibits or discovery response, the party shall advise all opposing parties during the conference and attempt to resolve the dispute. If the parties are unsuccessful in resolving the dispute, any party wishing to object to receipt of the testimony of any witness, any exhibit or discovery response into evidence shall lodge with Chambers a copy of the disputed material on or before March 13, 2006, together with a brief statement of the objection and any response by the proffering party.

D. Lodging Joint Pretrial Conference Statement and *In Limine* Motions

1. On or before March 13, 2006, the parties shall file and lodge with Chambers the following:

a. Joint Pretrial Conference Statement

b. *In Limine* Motions: Any opposition shall be filed in writing and served on or before March 20, 2006.

E. Final Pretrial Conference

1. The Court will conduct a Final Pretrial Conference with the parties on March 27, 2006 at 3:00 p.m., or on a date thereafter as scheduled by the Court to correspond with the trial date.

F. Lodging Witness Lists, Exhibits Lists and Proposed Jury Instructions

1. On March 27, 2006, the parties shall lodge with Chambers the joint list of witnesses and a joint list of exhibits.

G. Trial Schedule

1. Pursuant to stipulation, the trial schedule for this case will be as follows: jury selection on ¹¹~~April 10~~, 2006, 9:00 a.m. and sessions continuing from 1:00 p.m. – 4:00 p.m. on April ~~10~~, 11, 12, 13, 14, ~~17~~, 18, 19, 20, 21, ~~24~~, 25, 26, ~~27~~, and ~~28~~, 2006. Should this trial date not be possible for the Court, the parties request the Court to schedule the trial as soon thereafter as possible.

1 IT IS SO STIPULATED:

2
3
4 Dated: November ____, 2005

/s/

ALAN S. LEVINS
LITTLER MENDELSON
A Professional Corporation
Attorneys for Plaintiff
GRANITE ROCK COMPANY

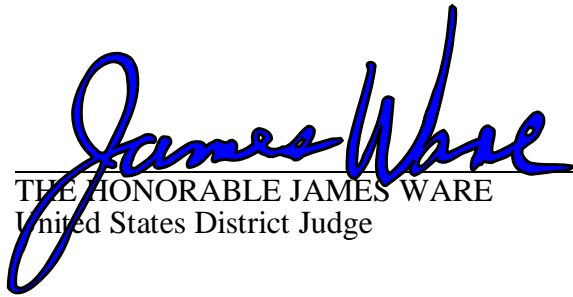
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9 Dated: November ____, 2005

/s/

DUANE B. BEESON
BEESON, TAYER & BODINE
Attorney for Defendant
TEAMSTERS LOCAL 287

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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19 Dated: November 09, 2005


THE HONORABLE JAMES WARE
United States District Judge

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22 Firmwide:80564531.1 001511.1075